

EXHIBIT J

Subject: RE: Same Day Processing v. Franck- SDP Corporate & Employment Files

Date: 2/9/2024 11:22 AM

From: "Moseley, Katlyn M." <katlyn.moseley@faegredrinker.com>

To: "Kevin Sandstrom" <KSandstrom@eckberglammers.com>, "Linderman, Lauren W." <lauran.linderman@faegredrinker.com>, "Carol Dawson" <cdawson@eckberglammers.com>

"Kilby, Matthew" <matthew.kilby@faegredrinker.com>, "RHowell@foley.com" <RHowell@foley.com>, "AGresik@foley.com"

Cc: <AGresik@foley.com>, "kris@krentzlaw.com" <kris@krentzlaw.com>, "Nick Vivian" <NVivian@eckberglammers.com>, "Lida M. Bannink" <lbannink@eckberglammers.com>, "Kathy Wahlman" <kwahlman@eckberglammers.com>, "Kristopher Krentz" <kris@krentzlaw.com>

Kevin –

SCR 20:1.9 prohibits representation adverse to a former client if the new representation is in a substantially related matter or if the lawyer acquired confidential information about the former client that is material to the new case. Both are true here.

Mr. Franck's counterclaim continues to assert claims for conversion and unjust enrichment against all plaintiffs/counterclaim defendants (which necessarily includes SDP), and alleges generally that plaintiffs have taken and maintained profits from Franck without differentiating among them. Your firm performed corporate work for SDP from 2015-2022, including setting up the corporation, preparing the articles of incorporation and shareholder agreement, and preparing redemption agreements for two former shareholders. Accordingly, the corporate work your firm performed for SDP is substantially related to legal and factual issues in this case, including whether Mr. Franck can establish his claim of an ownership interest in SDP and/or his purported entitlement to profits from SDP.

Although you previously represented in email correspondence that Mr. Franck does not claim an ownership interest in SDP, you deliberately chose not to amend the counterclaim in any way to make clear that (1) Mr. Franck does not claim an ownership interest in SDP, and (2) Franck does not assert any claims against SDP, despite our request that you do so. Thus, we can only assume that the failure to amend the counterclaim confirms that Mr. Franck does, in fact, continue to assert an ownership interest in SDP and seeks profits from that entity based on that assertion. This creates a clear conflict.

In addition to representing SDP in corporate matters, we now know that your law firm provided counsel to SDP with respect to employment matters, including advising generally on confidentiality/non-disclosure agreements. This prior work is substantially related to SDP's affirmative claims against Franck, which stem from his prior employment with SDP and the associated confidentiality obligations that arise from that employment. Indeed, it was your law firm that drafted the employment agreement that is specifically referenced in SDP's complaint against Franck. Additionally, our review of SDP's client file establishes that Mr. Datwyler provided your firm with confidential information concerning SDP's employment practices to facilitate their representation of SDP in these matters. As a result, your firm has access to confidential information that is material to SDP's claims against Franck.

In view of the above, we maintain that there is a clear conflict of interest and that you should withdraw from representing Mr. Franck. We will therefore continue to move forward with our motion to disqualify unless we receive confirmation that you intend to voluntarily withdraw.

We are willing to schedule a time to meet and confer further if you think further discussion would facilitate

resolution of this issue.

Best,

Katlyn M. Moseley

Associate

Pronouns: she/her/hers

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Faegre Drinker Biddle & Reath LLP

1500 K Street, N.W., Ste. 1100

Washington, DC 20005, USA

From: Kevin Sandstrom <KSandstrom@eckbergglammers.com>

Sent: Thursday, February 8, 2024 7:47 AM

To: Linderman, Lauren W. <lauren.linderman@faegredrinker.com>; Carol Dawson

<cdawson@eckbergglammers.com>; Moseley, Katlyn M. <katlyn.moseley@faegredrinker.com>

Cc: Kilby, Matthew <matthew.kilby@faegredrinker.com>; RHowell@foley.com; AGresik@foley.com;

kris@krentzlaw.com; Nick Vivian <NVivian@eckbergglammers.com>; Lida M. Bannink

<lbannink@eckbergglammers.com>; Kathy Wahlman <kwahlman@eckbergglammers.com>; Kristopher Krentz

<kris@krentzlaw.com>

Subject: RE: Same Day Processing v. Franck- SDP Corporate & Employment Files

This Message originated outside your organization.

Lauren,

There is no conflict. In an effort to meet and confer in advance of your supposed motion, please explain in detail how and why you assert that the prior representation poses a conflict to the current matter.

Again, Rule 1.9 on former clients only prohibits representation that is adverse to a former client where:

1. The new representation is the same or a substantially related matter to the former representation; or
2. the lawyer acquired confidential information about the former client that is material to the new case.

Our firm did not even know of the existence of Mr. Franck or his dealings with any of the plaintiff entities pursuant to our prior legal work for SDP. There is not a single reference to Mr. Franck in any of our prior files or dealings with SDP. How could there possibly be a conflict of interest?

This is a serious allegation against our law firm, and one that we assert is lacking in merit. Please explain your position in detail.

Kevin S. Sandstrom

Attorney



1809 Northwestern Avenue | Stillwater, MN 55082

Direct: 651-351-2134 | Fax: 651-439-2923

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From: Linderman, Lauren W. <lauren.linderman@faegredrinker.com>
Sent: Wednesday, February 7, 2024 8:28 PM
To: Carol Dawson <cdawson@eckberglammers.com>; Moseley, Katlyn M. <katlyn.moseley@faegredrinker.com>
Cc: Kilby, Matthew <matthew.kilby@faegredrinker.com>; RHowell@foley.com; AGresik@foley.com; kris@krentzlaw.com; Kevin Sandstrom <KSandstrom@eckberglammers.com>; Nick Vivian <NVivian@eckberglammers.com>; Lida M. Bannink <lbannink@eckberglammers.com>; Kathy Wahlman <kwahlman@eckberglammers.com>
Subject: RE: Same Day Processing v. Franck- SDP Corporate & Employment Files

Counsel:

Thank you for providing SDP's client file. We have reviewed and continue to believe that there exists a conflict of interest such that you should withdraw from representing Mr. Franck in a matter adverse to SDP that relates directly to the prior work your firm did on behalf of SDP. Please let us know if you will voluntarily withdraw; otherwise, we intend to file a motion to disqualify.

Thank you,
 Lauren

From: Carol Dawson <cdawson@eckberglammers.com>
Sent: Wednesday, January 31, 2024 4:16 PM
To: Moseley, Katlyn M. <katlyn.moseley@faegredrinker.com>
Cc: Linderman, Lauren W. <lauren.linderman@faegredrinker.com>; Kilby, Matthew <matthew.kilby@faegredrinker.com>; RHowell@foley.com; AGresik@foley.com; kris@krentzlaw.com; Kevin Sandstrom <KSandstrom@eckberglammers.com>; Nick Vivian <NVivian@eckberglammers.com>; Lida M. Bannink <lbannink@eckberglammers.com>; Kathy Wahlman <kwahlman@eckberglammers.com>
Subject: Same Day Processing v. Franck- SDP Corporate & Employment Files

This Message originated outside your organization.

Counsel, please find two dropbox links below to both SDP's Corporate and Employment files:

1. Corporate File:

[https://www.dropbox.com/scl/fo/347x68z3u0oz7ilxhjbvr/h?
rlkey=9bd2undneof0c1q7x2zrofx1u&dl=0](https://www.dropbox.com/scl/fo/347x68z3u0oz7ilxhjbvr/h?rlkey=9bd2undneof0c1q7x2zrofx1u&dl=0)

2. Employment File:

[https://www.dropbox.com/scl/fo/oivqr1lc23tz25n756d0i/h?
rlkey=efupri4ttx2b9ooql1nzy2wxr&dl=0](https://www.dropbox.com/scl/fo/oivqr1lc23tz25n756d0i/h?rlkey=efupri4ttx2b9ooql1nzy2wxr&dl=0)

Carol Dawson

Paralegal



Direct: 651-351-2112 | Fax: 651-439-2923

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From: Moseley, Katlyn M. <katlyn.moseley@faegredrinker.com>

Sent: Wednesday, January 31, 2024 9:41 AM

To: Kevin Sandstrom <KSandstrom@eckberglammers.com>; Linderman, Lauren W. <lauren.linderman@faegredrinker.com>

Cc: Kilby, Matthew <matthew.kilby@faegredrinker.com>; Howell, Bobbi <RHowell@foley.com>; Gresik, Andrew C. <AGresik@foley.com>; Kathy Wahlman <kwahlman@eckberglammers.com>; Carol Dawson <cdawson@eckberglammers.com>; Keith Marnholtz <keithm@eckberglammers.com>; Kristopher Krentz <kris@krentzlaw.com>

Subject: RE: 23-cv-731-wmc; Same Day Processing v. Franck

Kevin –

I am following up again on the status of SDP's client file. It's now been almost four weeks since we requested the file and three weeks since we provided you with the requested authorization. We reiterate our request that you promptly provide a copy of SDP's file, and further request that you provide a date certain by which you will produce the file by end of day today.

Best regards,

Katlyn M. Moseley

Associate

Pronouns: she/her/hers

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From: Kevin Sandstrom <KSandstrom@eckbergglammers.com>
Sent: Thursday, January 25, 2024 9:48 AM
To: Linderman, Lauren W. <lauren.linderman@faegredrinker.com>; Moseley, Katlyn M. <katlyn.moseley@faegredrinker.com>
Cc: Kilby, Matthew <matthew.kilby@faegredrinker.com>; Howell, Bobbi <RHowell@foley.com>; Gresik, Andrew C. <AGresik@foley.com>; Kathy Wahlman <kwahlman@eckbergglammers.com>; Carol Dawson <cdawson@eckbergglammers.com>; Keith Marnholtz <keithm@eckbergglammers.com>; Kristopher Krentz <kris@krentzlaw.com>
Subject: RE: 23-cv-731-wmc; Same Day Processing v. Franck

This Message originated outside your organization.

Lauren,

I had asked my staff to reach out to your office in early January and request a signed authorization from SDP for release of its files by Eckberg to your office. In fact we received that authorization back on January 10, 2024. So to say that my office has not responded or been in contact with your office at all regarding this issue is patently false. I was engulfed in a two-week jury trial every single day from January 8th to January 18th, and am still in the process of getting unburied from stuff that transpired on other files, including this matter, during the course of my trial. Now that we have a signed authorization received on January 10th, we will get the SDP files gathered up and sent to your office shortly.

We remain steadfast that there is no conflict of interest resulting from prior unrelated legal work for SDP as a former client of our firm.

Kevin S. Sandstrom
Attorney



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From: Linderman, Lauren W. <lauren.linderman@faegredrinker.com>
Sent: Wednesday, January 24, 2024 9:15 PM
To: Kevin Sandstrom <KSandstrom@eckbergglammers.com>; Kristopher Krentz <kris@krentzlaw.com>; Moseley, Katlyn M. <katlyn.moseley@faegredrinker.com>

Cc: Kilby, Matthew <matthew.kilby@faegredrinker.com>; Howell, Bobbi <RHowell@foley.com>; Gresik, Andrew C. <AGresik@foley.com>
Subject: RE: 23-cv-731-wmc; Same Day Processing v. Franck

Kevin:

Thanks for your emails. We've asked repeatedly for a copy of the SDP client file and have not received it or even the courtesy of a response to our many emails on the subject. Please be advised that we intend to raise again your firm's potential conflict of interest at the upcoming hearing with Judge Conley, including your unexplained delay in providing the client file so that we may evaluate a possible motion to disqualify.

Best,
Lauren

From: Kevin Sandstrom <KSandstrom@eckberglammers.com>
Sent: Wednesday, January 24, 2024 2:05 PM
To: Linderman, Lauren W. <lauren.linderman@faegredrinker.com>; Kristopher Krentz <kris@krentzlaw.com>; Moseley, Katlyn M. <katlyn.moseley@faegredrinker.com>
Cc: Kilby, Matthew <matthew.kilby@faegredrinker.com>; Howell, Bobbi <RHowell@foley.com>; Gresik, Andrew C. <AGresik@foley.com>
Subject: RE: 23-cv-731-wmc; Same Day Processing v. Franck

This Message originated outside your organization.

Oops, I now see the message from the court that the Judge is unavailable on the 29th-31st, so I guess that puts me at odds with the Judge's availability next week.

Kevin S. Sandstrom
Attorney



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From: Kevin Sandstrom
Sent: Wednesday, January 24, 2024 4:04 PM
To: Linderman, Lauren W. <lauren.linderman@faegredrinker.com>; Kristopher Krentz <kris@krentzlaw.com>; Moseley, Katlyn M. <katlyn.moseley@faegredrinker.com>

Cc: Kilby, Matthew <matthew.kilby@faegredrinker.com>; Howell, Bobbi <RHowell@foley.com>; Gresik, Andrew C. <AGresik@foley.com>
Subject: RE: 23-cv-731-wmc; Same Day Processing v. Franck

Hello All,

I could probably make something work as far as a hearing with the Court on Monday the 29th at 11am, 1pm or 3pm. I could also make the 30th or 31st work.

I am in a condemnation hearing and unavailable all day on Thurs. the 1st or Friday the 2nd.

Kevin S. Sandstrom
 Attorney



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From: Linderman, Lauren W. <lauren.linderman@faegredrinker.com>
Sent: Wednesday, January 24, 2024 4:00 PM
To: Kristopher Krentz <kris@krentzlaw.com>; Moseley, Katlyn M. <katlyn.moseley@faegredrinker.com>
Cc: Kevin Sandstrom <KSandstrom@eckberglammers.com>; Kilby, Matthew <matthew.kilby@faegredrinker.com>; Howell, Bobbi <RHowell@foley.com>; Gresik, Andrew C. <AGresik@foley.com>
Subject: RE: 23-cv-731-wmc; Same Day Processing v. Franck

Thanks, Kris. I think our emails crossed. I can be available next Thursday (2/1) morning or on Friday (2/2). Please let us know what works on your end and we can circle back with the court with a mutually agreeable time.

From: Kristopher Krentz <kris@krentzlaw.com>
Sent: Wednesday, January 24, 2024 1:59 PM
To: Moseley, Katlyn M. <katlyn.moseley@faegredrinker.com>
Cc: ksandstrom@eckberglammers.com; Linderman, Lauren W. <lauren.linderman@faegredrinker.com>; Kilby, Matthew <matthew.kilby@faegredrinker.com>; Howell, Bobbi <RHowell@foley.com>; Gresik, Andrew C. <AGresik@foley.com>
Subject: Re: 23-cv-731-wmc; Same Day Processing v. Franck

This Message originated outside your organization.

I apologize, I replied to the incorrect person on my last email and missed the email below. I did not intend to respond directly to the court.

Please let us know if the new dates provided by the court work for your side.

Thank you,

Kris

On Jan 24, 2024, at 12:07 PM, Moseley, Katlyn M. <katlyn.moseley@faegredrinker.com> wrote:

Kris and Kevin –

As I believe we've previously mentioned, Lauren is currently in trial and has no availability this week. Please let us know if you would be amenable to asking the Court for available times on Monday, January 29 instead.

Regards,

Katlyn M. Moseley

Associate

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Washington, DC 20005, USA

From: Melissa Hardin <Melissa_Hardin@wiwd.uscourts.gov>

Sent: Wednesday, January 24, 2024 12:40 PM

To: Linderman, Lauren W. <lauren.linderman@faegredrinker.com>; rhowell_foley.com <rhowell@foley.com>; Moseley, Katlyn M. <katlyn.moseley@faegredrinker.com>; agresik@foley.com; ksandstrom_eckberglammers.com <ksandstrom@eckberglammers.com>; kris@krentzlaw.com

Subject: 23-cv-731-wmc; Same Day Processing v. Franck

This Message originated outside your organization.

Counsel – Judge Conley would like to have a short hearing yet this week on the

stipulated preliminary injunction, either by phone or zoom, whichever both sides agree on. The judge is open:

Thursday: between 10:00am and noon or 2:30 pm or later

Friday: any time between 10:00 am and 4:00 pm

Could you confer and let me know what day/time works for everyone and if you prefer a phone call (where plaintiff initiates) or a zoom hearing.

Thanks!

Melissa

Melissa Hardin

Judicial Assistant to Judge William M. Conley

USDC - Western District of Wisconsin

120 North Henry Street, Room 560

Madison, WI 53703

(608) 264-5087